

Jason Halper  
Ryan J. Cooper  
**LOWENSTEIN SANDLER PC**  
65 Livingston Avenue  
Roseland, New Jersey 07068  
973.597-2500  
*Attorneys for Defendant*  
*Houlihan's Restaurants, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TED PAULY, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

HOULIHAN'S RESTAURANTS,  
INC.,

Defendant.

**DOCUMENT  
ELECTRONICALLY FILED**

Civil Action No. 1:12-cv-25-JBS-JS

**NOTICE OF MOTION TO  
DISMISS THE AMENDED  
COMPLAINT**

**Return Date: May 7, 2012**

**PLEASE TAKE NOTICE** that Defendant Houlihan's Restaurants, Inc. ("Houlihan's") will move this Court, on May 7, 2012, at 9:30 a.m. or as soon thereafter as counsel may be heard, before the Honorable Jerome B. Simandle, Chief United States District Judge, of the United States District Court for the District of New Jersey, for an Order granting Houlihan's motion to dismiss the amended complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

**PLEASE TAKE FURTHER NOTICE** that in support of the motion to dismiss, Houlihan's will rely upon the accompanying Brief and the Declaration of Cynthia Parres. A proposed Order has also been submitted with this motion.

Respectfully submitted,

Jason Halper  
Ryan J. Cooper  
**LOWENSTEIN SANDLER P C**  
65 Livingston Avenue  
Roseland, New Jersey 07068  
973.597.6144 (Phone)  
973.597.6145 (Fax)  
jhalper@lowenstein.com  
rcooper@lowenstein.com  
*Attorneys for Defendant*  
*Houlihan's Restaurants, Inc.*

By: s/ Jason Halper

Dated: April 9, 2012